



CDSS

JOHN A. WAGNER
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



ARNOLD SCHWARZENEGGER
GOVERNOR

July 28, 2009

Kris Grasty, Director
Kern County Aging & Adult Services
5357 Truxtun Avenue
Bakersfield, CA 93309

Dear Ms. Grasty:

I want to take this opportunity to thank you and your staff for the cooperation and assistance provided the reviewer from our office during the course of the Civil Rights Compliance Review of Kern County Aging & Adult Services. Enclosed is the final report on the review.

There were some compliance issues (deficiencies) identified in the report, which will require the development of a corrective action plan (CAP). Please submit your CAP within sixty days of this letter. Please address each deficiency and include steps and time lines for the completion of all corrective actions and recommendations listed in the attached report.

We will provide a copy of our report to any individual who makes a Public Records Act (PRA) request. Our reports are considered public documents under the PRA. Once we approve your CAP, it too, becomes a public document.

If you need technical assistance in the development of your CAP, please feel free to contact the Civil Rights Bureau at (916) 654-2107 (voice) / (916) 654-2098 (TDD). You may also contact us by e-mail at crb@dss.ca.gov.

Sincerely,

RAMÓN S. LOPEZ, Chief
Civil Rights Bureau
Human Rights and Community Services Division

Enclosure

c: Lito Morillo, Civil Rights Coordinator

Chris Webb-Curtis, Branch Chief, CDSS Supplemental Nutrition Assistance Program
M.S. 8-9-32

Mike Papin, CDSS Supplemental Nutrition Assistance Program
Food Stamps Policy Bureau M.S. 8-9-32

Yvonne Lee, CDSS Supplemental Nutrition Assistance Program
Food Stamps Policy Bureau M.S. 8-9-32

Richard Trujillo, CDSS Supplemental Nutrition Assistance Program
Food Stamps Policy Bureau M.S. 8-9-32

Paul Gardes, CDSS Supplemental Nutrition Assistance Program
Food Stamps Policy Bureau M.S. 8-9-32

Thuan Nguyen, Refugee Programs Bureau, M.S. 8-8-46

Joe Torres, Office of Civil Rights
USDA Food and Nutrition Services
Supplemental Nutrition Assistance Program (SNAP)
Western Region

Dominic Pagano, Office of Civil Rights
USDA Food and Nutrition Services
Supplemental Nutrition Assistance Program (SNAP)
Western Region

Hope Rios,
USDA Food and Nutrition Services,
Supplemental Nutrition Assistance Program (SNAP)
Western Region

**CIVIL RIGHTS COMPLIANCE REVIEW REPORT
FOR
COUNTY OF KERN A & A**

Conducted June 23 – June 25, 2009

**California Department of Social Services
Human Rights and Community Services Division
Civil Rights Bureau
744 P Street, M.S. 6-70
Sacramento, CA 95814
(916) 654-2107**

Reviewer

Cindy S. Guzman

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CIVIL RIGHTS COMPLIANCE REVIEW REPORT

I. INTRODUCTION

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Bureau (CRB) staff was to assess the Kern County Aging & Adult Services Department of Social Services with regard to its compliance with CDSS Manual of Policies and Procedures (MPP) Division 21 Regulations, and other applicable state and federal civil rights laws.

An on-site compliance review was conducted on June 23, 2009 with Lito Morillo, Civil Rights Coordinator. An exit interview was held with on June 25, 2009 to review the findings.

The review was conducted in the following locations:

Name of Facility	Address	Programs	Non-English languages spoken by a substantial number of clients (5% or more)
Delano Office	1816 Cecil Avenue Delano, CA	APS; IHSS	Spanish
Truxtun Office	5357 Truxtun Avenue Bakersfield, CA	APS; IHSS	Spanish

II. SUMMARY OF METHODOLOGY

In preparing for this review, CDSS staff completed the following tasks:

- Reviewed the 2009 Annual Civil Rights Plan submitted by the County.
- Reviewed the civil rights discrimination complaint database for a complete listing of complaints filed against the County for the last year.

Headquarters and on-site review procedures included:

- Interviews of public contact staff
- Survey of program managers
- Case file reviews
- Facility inspections

Each site/program was reviewed for compliance in the following areas:

- Dissemination of Information
- Facility Accessibility for Individuals with Disabilities

- Bilingual Staffing/Services for Non-English-Speaking Clients
- Accessibility for Clients with Visual or Hearing Impairments
- Documentation of Client Case Records
- Staff Development and Training
- Discrimination Complaint Procedures

Here is a summary of the sources of information used for the review:

Interviews Conducted of Public Contact Staff

Classifications	Total	Bilingual
Adult Program Workers	6	4
Total	6	

Program Manager Surveys

Number of surveys distributed	2
Number of surveys received	2

Reviewed Case Files

English speakers' case files reviewed	7
Non-English or limited-English speakers' case files reviewed	41
Languages of clients' cases	English, Spanish, Egyptian, Burmese, Punabi, Tagalog

Sections III through VIII of this report contain specific Division 21 civil rights requirements and present field review findings regarding the county's compliance with each requirement. The report format first summarizes each requirement, then the actual review team findings, including appropriate comparisons. This format is an effort to validate the application of policies and procedures contained in the annual plan. Required corrective actions are stated at the end of each section.

Section IX of the report is reserved for a declaration of overall compliance.

III. DISSEMINATION OF INFORMATION

Counties are required to disseminate information about program or program changes and about how applicants and recipients are protected by the CDSS regulations (Division 21). This dissemination should occur through outreach and information to all applicants, recipients, community organizations, and other interested persons, including non- and limited-English speakers and those with impaired hearing or vision or other disabling conditions.

A. Findings

Access to Services, Information and Outreach	Yes	No	Some-times	Comments
Does the county accommodate working clients by flexing their hours or allowing applications to be mailed in?	X			
Does the county have extended hours to accommodate clients?	X			The workers go out to the client's home by appointment, and have the flexibility to accommodate clients with extended hours if needed.
Can applicants access services when they cannot go to the office?	X			The workers go out to the client's homes by appointment. There is little need for the clients to come into the office.
Does the county ensure the awareness of available services for individuals in remote areas?	X			The workers go out to the client's homes in rural areas. The county provides health fairs for seniors where numerous community agencies participate in offering services to the community.

Signage, posters, pamphlets	Yes	No	Some-times	Comments
Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs" (Pub 13)? Is the pamphlet distributed and explained to each client at intake and re-certification?	X			The workers stated they explain the Pub 13 to each client at intake and re-certification.
Was the current version of Pub 13 available in English, Spanish, Lao, Vietnamese, Chinese, Hmong,		X		Truxtun Office did not have the Pub 13 available in English.

Signage, posters, pamphlets	Yes	No	Some-times	Comments
Russian, Korean, Farsi, Arabic, Laotian, Tagalog, Armenian and Cambodian?				The Pub 13 in other languages had faded print, and therefore was not legible. Delano Office did not have the Pub 13 available in any of the threshold languages. (One English and Spanish Pub 13 was laminated on the Wall).
Was the Pub 13 available in large print, audiocassette and Braille?	X			
Were the current versions of the required posters present in the lobbies?	X			
Did the workers know the location of the required posters with the Civil Rights Coordinator's name and address?	X			
Were there instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking clients translated into appropriate languages?			X	Refer to pictures (Fig 4 – 6).

B. Corrective Actions

Informational Element	Corrective Action Required
Distribution of CDSS' Pub 13	Kern County shall ensure that the Pub 13 pamphlet, "Your Rights Under California Welfare Programs" is both given and explained to program participants in all of the programs for which CDSS has oversight responsibility. Div. 21-107.221

Informational Element	Corrective Action Required
Translated Pub 13	Kern County shall ensure that the current version of the Pub 13 is available in all languages translated by CDSS and that the available translated versions are given to the clients in their primary language. Div. 21-115.2
Directional signage	Kern County shall ensure that instructional and directional signs are posted in waiting areas and other places that are frequented by clients and that where such areas are frequented by a substantial number of non-English-speaking clients, such signage shall be translated into appropriate languages. Div. 21-107.212 and .24

C. Recommendation

The most recent version for each of the above referenced documents is:

Pub 13	"Your Rights under California Welfare Programs"	03/07
Pub 86	"Everyone is Different, but Equal Under the Law"	03/07
Form AD 475B	"And Justice for All"	12/99

Contact your program consultant to receive the most recent versions, or download the Pub 13 from the CRB website
http://www.dss.cahwnet.gov/civilrights/YourRights_498.htm.

IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from the services available. The federal regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable; in other words, easily accomplished and able to be carried out without much difficulty or expense.

The facility review is based on four priorities supported by the ADA regulations for planning achievable barrier removal projects. The priorities include ensuring accessible approach and entrance to the facility, access to goods and services, access to restrooms, and any other measures necessary.

Note that the references to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the Corrective Action column refer to the federal Standards for Design. Title 24 of California Code and Regulations (T24 CCR) is also cited because there are instances when California state law is stricter than ADAAG specifications.

The county must ensure that programs and activities are readily accessible to individuals with disabilities. This includes building accessibility and availability of accessible parking as well as accessibility of public telephones and restrooms.

A. Findings and Corrective Actions

Regulations cited are from the Title 24, California Code of Regulations (T24 CCR) and ADAAG.

Facility Location: 1816 Cecil Avenue, Delano, CA

Facility Element	Findings	Corrective Action
Parking	There is no "unauthorized parking" signage at entrance to off-street accessible parking.	Additional sign shall be posted in conspicuous place at entrances to off-street parking facilities, or adjacent to and visible from each space. Sign shall be 17" by 22" min. in size with lettering 1" min. high, stating: "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____." (CA T24 1129B.5) p. 133.
	The clearance access aisle on passenger side of van space is too narrow at 60" wide. Refer to Picture (Fig. 7).	One in every 8 accessible spaces (p 136) and no less than 1 shall be served by an access aisle 96" wide minimum placed opposite the driver's side and shall be designated Van-Accessible (CA T24 1129.B.4.2, ADA 4.1.2(5)(b)) p. 135.

Exterior entrance	<p>There are no accessible signage on the front right door entrance.</p> <p>There are no ISA signs – non-glare finish, color contrast on the front right door entrance.</p> <p>Main Front Entrance Door from outside. Door Pressure too high at 9 lbs on left side of double door, and 8 lbs on right side of double door.</p> <p>Front Entrance Door on Right side of Main Entrance from outside. Door Pressure too high at 8 lbs. on left side of double door, and 7 lbs. on right side of double door.</p>	<p>A sign with the international symbol of accessibility shall be at every primary entrance and every major junction indicating the direction along or to accessible features. (CA T24 1127B.3, ADA 4.1.3(16B), CA T24 1117B.5.8.1.2) pp. 183, 353.</p> <p>Characters, symbols and their backgrounds have a non-glare finish. Characters and symbols contrast with their background, either light characters on a dark background or dark characters on a light background. (CA T24 1117B.5.2, ADA 4.30.5) p. 355.</p> <p>Force to open doors, exterior and interior is 5 pounds maximum (CA T24 1133B.2.5, ADA 4.13.11(2)(a) & (b)) p. 195.</p> <p>Force to open doors, exterior and interior is 5 pounds maximum (CA T24 1133B.2.5, ADA 4.13.11(2)(a) & (b)) p. 195.</p>
Client lobby	Directional and Informational Signage not in threshold languages. Refer to Pictures (Fig 4-6)	Div 21.107-212
Women's Restroom	Door pressure excessive at 7 lbs.	Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5, ADA 4.13.11(2)(b)) p. 195.

Men's Restroom	Door pressure excessive at 7 lbs.	Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5, ADA 4.13.11(2)(b)) p. 195.
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Regulations cited are from the Title 24, California Code of Regulations (T24 CCR) and ADAAG.

Facility Location: 5357 Truxtun Avenue, Bakersfield CA

Facility Element	Findings	Corrective Action
Parking	There is no "no parking" painted on pavement in access aisles (letters min. 12" high) Refer to Pictures (Fig 2)	The words "NO PARKING" shall be painted on the ground in each 5' or 8' loading and unloading access aisle in white letters no smaller than 12". (CA T24 1129B.4.1 & 2) p. 135.
Client lobby	Pub 13 was not available in all required languages, and the ones provided were not legible due to faded ink. Refer to Pictures (Fig 3)	Current: 05/01 or 01/04 (Div 21-107.221)
Unisex Restroom – 1 st door on left.	Accessible signage on door too high. Door Pressure excessive at 10 lbs. Soap dispenser too high at 43".	Door sign and wall sign shall be 60" above the floor. For permanent identification, the sign shall be installed on the wall adjacent to latch outside of door. If there is no space, including at double leaf doors, the sign shall be placed on nearest adjacent wall, preferably on the right. (CA T24 1117B.5.7, ADA 4.30.6) p. 263. Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5, ADA 4.13.11(2)(b)) p. 195. If towel, sanitary napkins, waste receptacles, and other similar dispensing and disposal fixtures are provided, at least one of each type is located with

	Mirror base too high at 42".	<p>all operable parts, including coin slots, at a maximum height of 40". (CA T24 1115B.9.2 and CA T24 1115B.9.1.2, ADA 4.19.6) p. 269</p> <p>If towel, sanitary napkins, waste receptacles, and other similar dispensing and disposal fixtures are provided, at least one of each type is located with all operable parts, including coin slots, at a maximum height of 40". (CA T24 1115B.9.2 and CA T24 1115B.9.1.2, ADA 4.19.6) p. 269.</p>
Unisex Restroom – 2 nd door on right.	<p>Accessible signage on door too high.</p> <p>Door Pressure excessive at 10 lbs.</p>	<p>Door sign and wall sign shall be 60" above the floor.</p> <p>For permanent identification, the sign shall be installed on the wall adjacent to latch outside of door. If there is no space, including at double leaf doors, the sign shall be placed on nearest adjacent wall, preferably on the right. (CA T24 1117B.5.7, ADA 4.30.6) p. 263.</p> <p>Raised characters shall be raised 1/32" minimum and shall be Sans Serif upper case characters accompanied by Grade 2 Braille. (CA T24 1117B.5.5.1, ADA 4.30.4) p. 263.</p> <p>Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5, ADA 4.13.11(2)(b)) p. 195.</p>

	Mirror base too high at 42".	If towel, sanitary napkins, waste receptacles, and other similar dispensing and disposal fixtures are provided, at least one of each type is located with all operable parts, including coin slots, at a maximum height of 40". (CA T24 1115B.9.2 and CA T24 1115B.9.1.2, ADA 4.19.6) p. 269.
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V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING OR WHO HAVE DISABILITIES

Counties are required by Division 21 to ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English-speaking population and individuals with disabilities without undue delays. Counties are required to collect data on primary language and ethnic origin of applicants/recipients (identification of primary language must be done by the applicant/recipient).

Using this information, a county may determine 1) the number of public contact staff necessary to provide bilingual services, 2) the manner in which they can best provide interpreter services without bilingual staff and 3) the language needs of individual applicants/recipients. Counties must employ an appropriate number of certified bilingual public contact employees in each program and/or location that serves a substantial number of non-English-speaking persons. In offices where bilingual staff are not required because non-English-speaking persons do not represent a substantial number, counties must provide effective bilingual services through interpreter or other means.

Counties must also provide auxiliary aids and services, including Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDD's), and other effective aids and services for persons with impaired hearing, speech, vision or manual skills. In addition, they must ensure that written materials be available in individuals' primary languages when the forms and materials are provided by CDSS, and that information inserted in notices of action (NOA) be in the individuals' primary language.

A. Findings from Program Manager Surveys, Staff Interviews and Case File Reviews

Question	Yes	No	Some-times	Comments
Does the county identify a client's language need upon first contact? How?	X			Clients self-identify primary language by using the "I speak" cards.
Does the county use a primary language form?	X			Clients' also self identity on the primary language form.
Does the client self-declare on this form?	X			
Are non-English- or limited- English-speaking clients provided bilingual services?	X			
After it has been determined that the client is limited-English or non-English speaking, is there a county process for procuring an interpreter?	X			Spanish speaking IHSS recipients are assigned to a bilingual social worker. APS hired an additional Spanish-speaking social worker.
Is there a delay in providing services?		X		
Does the county have a language line provider, a county interpreter list, or any other interpreter process?	X			Kern A & A has a list of interpreters and there is also a language line available.
Are county interpreters determined to be competent?	X			
Does the county have adequate interpreter services?	X			Non- English- or limited-English-speaking clients are assigned bilingual workers. When a bilingual worker is not available, workers use the language line to communicate with the client(s).

Question	Yes	No	Some-times	Comments
Does the county allow minors to be interpreters? If so, under what circumstances?	X			Clients are permitted to use minors as interpreters under the following conditions: to provide instruction of appointment date and as emergency contact to confirm client's primary language.
Does the county allow the client to provide his or her own interpreter?	X			Clients are permitted to use their own interpreters; however the county has Spanish-speaking staff available.
Does the county ensure that the client-provided interpreter understands what is being interpreted for the client?	X			
Does the county use the CDSS-translated forms in the clients' primary languages?	X			
Is the information that is to be inserted into NOA translated into the client's primary language?	X			
Does the county provide auxiliary aids and services, TDD's and other effective aids and services for persons with impaired hearing, speech, vision or manual skills, including Braille material, taped text, large print materials (besides the Pub 13)?	X			

Question	Yes	No	Some-times	Comments
Does the county identify and assist the client who has learning disabilities or a client who cannot read or write?	X			The county reads and explains information to clients.

B. Corrective Actions/None

VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

Counties are required to ensure that case records document applicant's/recipient's ethnic origin and primary language, the method used to provide bilingual services, information that identifies an applicant/recipient as disabled, and an applicant's/recipient's request for auxiliary aids and services.

A. Findings from Case File Reviews and Staff Interviews

Documented Item	IHSS	APS
Ethnic origin documentation	SOC 293	Client Profile
Primary language documentation	SOC 293	Client Profile
Method of providing bilingual services and documentation	In Case Comments	In Case Comments
Client provided own interpreter	In Case Comments	In Case Comments
Method to inform client of potential problem using own interpreter	In Case Comments	In Case Comments
Release of information to Interpreter	In Case Comments	In Case Comments

Documented Item	IHSS	APS
Individual's acceptance or refusal of written material offered in primary language	In Case Comments	In Case Comments
Translated notice of actions (NOA) contain translated inserts	YES	YES
Method of identifying client's disability	Case File Assessment	Risk Assessment
Method of documenting a client's request for auxiliary aids and services	Case File Assessment	Risk Assessment

B. Corrective Actions/None

VII. STAFF DEVELOPMENT AND TRAINING

Counties are required to provide civil rights and cultural awareness training for all public contact employees, including familiarization with the discrimination complaint process and all other requirements of Division 21. The training should be included in orientation, as well as the continuing training programs.

A. Findings

Interview questions	Yes	No	Some-times	Comments
Do employees receive continued Division 21 Training?	X			
Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint?	X			

Does the county provide employees Cultural Awareness Training?	X			
Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?	X			

B. Corrective Actions/None

VIII. DISCRIMINATION COMPLAINT PROCEDURES

Counties are required to maintain a process for addressing all complaints of discrimination. They must track complaints of discrimination through the use of a control log in which all relevant information is kept, including when the complaint was received, the name of the complainant, identifying numbers and programs, basis of discrimination, and resolution. It is usually the Civil Rights Coordinator responsibility to maintain this log.

A. Findings from Staff Interviews and Program Manager Surveys

Interview and review areas	Yes	No	Some-times	Findings
Can the employees easily identify the difference between a program, discrimination, and a personnel complaint?	X			During the telephone interviews, the workers were able to identify the difference between a program discrimination, and a personnel complaint.
Did the employees know who the Civil Rights Coordinator is?	X			
Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint?	X			

B. Corrective Action/None

IX. CONCLUSION

The CDSS found the Kern County Aging & Adult Services in substantial compliance with CDSS Division 21 Regulations, and other applicable state and federal laws with minor exceptions. The CDSS would like to acknowledge and thank Lito Morillo, Civil Rights Coordinator for his assistance, and cooperation throughout the review process. The Kern County Aging & Adult Services staff interviewed was found to be professional, pleasant and committed to providing outstanding service to their clients. The documentation of bilingual services was exceptional, and the county should be applauded for their efforts.

The Kern County Aging & Adult Services must remedy the violations identified in this report by taking corrective actions. A corrective action plan must be received by CDSS within 60 days of the date of the cover letter to this report; and the plan must include a schedule by which all actions will be taken to correct the violations.

It is our intent that this report be used to create a positive interaction between the county and CDSS in identifying and correcting compliance violations and to provide the county with an opportunity to implement corrective action to achieve compliance with Division 21 regulations. Civil Rights staff is available to provide technical assistance as requested.

IV. PHOTOGRAPHS



1816 CECIL – DELANO KERN COUNTY
Tuesday - June 23, 2009



Fig 1



Fig 2



Fig 3



Fig 4



Fig 5



Fig 6



Fig 7



5357 TRUXTUN – BAKERSFIELD KERN COUNTY
Wednesday – June 24, 2009



Fig. 8

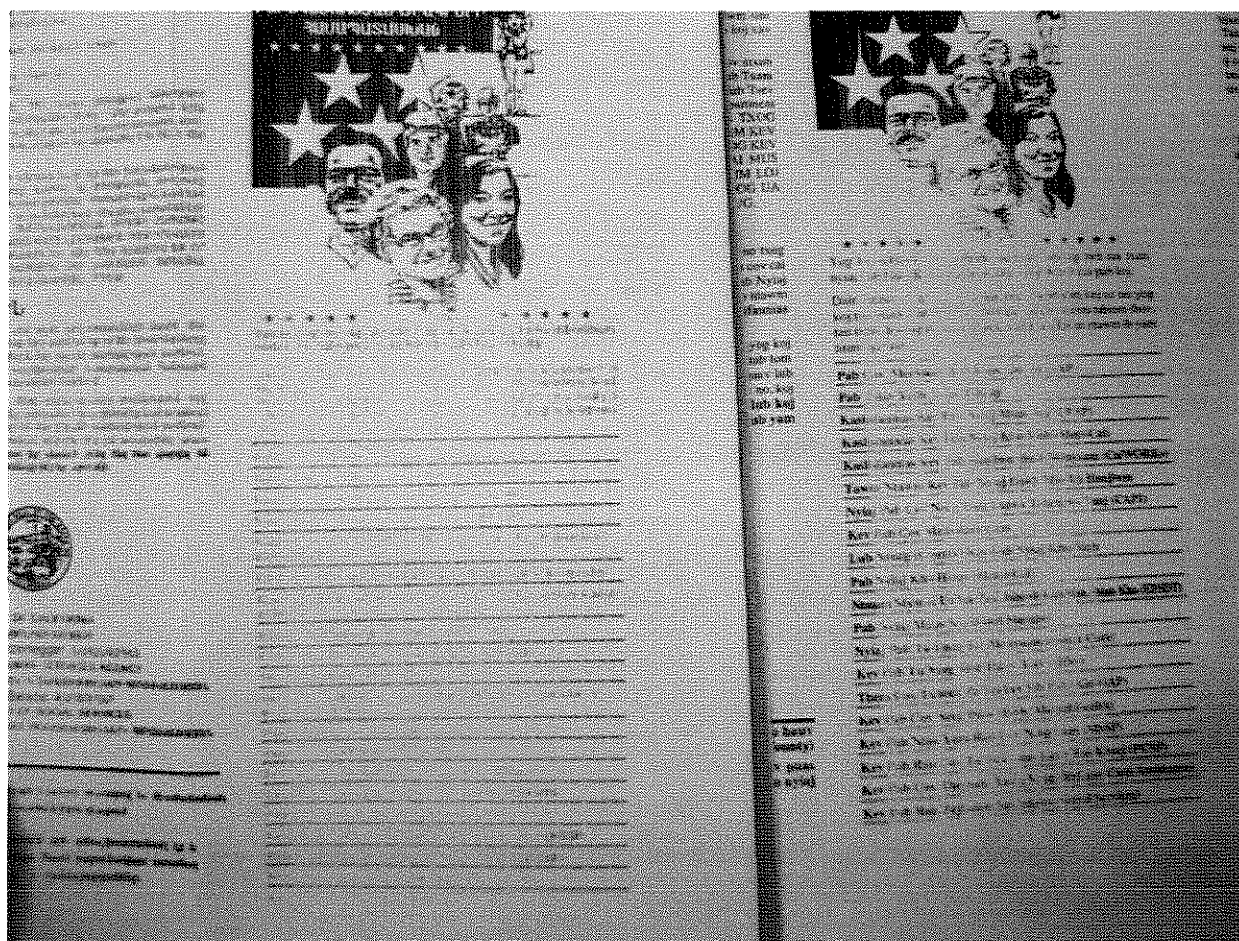


Fig 9